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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/107,233	05/13/2011	Eitan Hadar	063170.9709	6985

106095   7590   04/05/2017
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EXAMINER
PEACH, POLINA G

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
04/05/2017	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte EITAN HADAR, DONALD F. FERGUSON, VINCENT R. RE,
JOHN P. KANE, and BRIAN J. HUGHES

_____

Appeal 2016-004341
Application 13/107,233[1]
Technology Center 2100

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Before JASON V. MORGAN, AMBER L. HAGY, and JOHN R. KENNY,
Administrative Patent Judges.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's Final

Rejection of claims 1–24. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] Appellants identify CA, Inc., as the real party in interest. Br. 4.

Invention

Appellants disclose a method that includes displaying one or more characteristic objects that are graphically associated with a first entity object, where "[a]n indication of a score calculation methodology of the first entity object and an indication of a score calculation methodology of each characteristic object may be received." Abstract.

Exemplary Claim

Claim 1, reproduced below with key limitations emphasized, is representative:

1. A method comprising:

displaying, by a computing system, one or more characteristic objects that are graphically associated with a first entity object, each characteristic object corresponding to at least one characteristic of an entity corresponding to the first entity object;

receiving an indication of a score calculation methodology of the first entity object and an indication of a score calculation methodology of each characteristic object;

determining, by the computing system, a score of each characteristic object, each score of a respective characteristic object based on at least:

> one or more measurements of a measured object that is graphically associated with the first entity object; and

> the score calculation methodology of the respective characteristic object; and

determining, by the computing system, a score of the first entity object based on at least:

> each score of the one or more characteristic objects; and

> the score calculation methodology of the first entity object; and

displaying the score of the first entity object.

Rejections

The Examiner rejects claims 1–24 under 35 U.S.C. § 103(a) as being unpatentable over Gopalan (US 2007/0033060 A1; pub. Feb. 8, 2007) and Cooper (US 6,782,372 B1; issued Aug. 24, 2004). Final Act. 4–13.

The Examiner alternatively rejects claims 1–24 under 35 U.S.C. § 103(a) as being unpatentable over Harrison (US 6,810,332 B2; issued Oct. 26, 2004) and Netemeyer (US 2002/0169785 A1; pub. Nov. 14, 2002). Final Act. 13–18.

The Examiner alternatively rejects claims 1–24 under 35 U.S.C. § 103(a) as being unpatentable over Hofberg (US 2012/0030158 A1; pub. Feb. 2, 2012) and Tabanou (US 2007/0179742 A1; pub. Aug. 2, 2007). Final Act. 18–22.

ANALYSIS

With respect to the Examiner's 35 U.S.C. § 103(a) rejection of claims 1–24 as being unpatentable over Gopalan and Cooper, we agree with and adopt as our own the Examiner's findings of facts and conclusions as set forth in the Answer and in the Action from which this appeal was taken. We have considered Appellants' arguments, but do not find them persuasive of error. We provide the explanation that follows for emphasis. Because our affirmance of the Examiner's rejection based on Gopalan and Cooper is dispositive as to all the claims, we do not reach the Examiner's alternative 35 U.S.C. § 103(a) rejections. *See, e.g., In re Gleave*, 560 F.3d 1331, 1338 (Fed. Cir. 2009) (not reaching rejections based on obviousness when claims already rejected as anticipated).

Gopalan teaches a method in which potential outsourcing locations may be compared using multiple levels of criteria (e.g., criteria, sub-criteria,

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sub-sub-criteria, etc.). Gopalan ¶¶ 23, 28. As part of establishing the criteria, weights may be assigned to provide the relative importance between criteria. Gopalan ¶¶ 8, 48, Fig. 4. Operators may input data regarding the importance of criteria or otherwise review the weights and modify criteria weighting based on operator expertise. Gopalan ¶¶ 8, 48. The Examiner finds that this assignment of criteria weighting teaches or suggests *receiving an indication of a score calculation methodology of the first entity object and an indication of a score calculation methodology of each characteristic object*, as recited in claim 1. Final Act. 4; Ans. 3–4.

Appellants contend the Examiner erred because "*Gopalan* merely describes the flow chart [of one methodology] as one configuration of the discussed process." Br. 17 (citing Gopalan ¶¶ 10, 23). Appellants argue that Gopalan fails to "disclose either implicitly or explicitly that the flow chart is received by a machine, based on [a] user input." Br. 17. However, Appellants' arguments are unresponsive to, and do not persuasively address, the Examiner's reliance on Gopalan's operator-modifiable criteria weightings as teaching or suggesting the receiving of an indication of a score calculation methodology (e.g., how much weight to provide to components of a score). Thus, Appellants' arguments are unpersuasive. Therefore, we agree with the Examiner that Gopalan teaches or suggests "receiving an indication of a score calculation methodology of the first entity object and an indication of a score calculation methodology of each characteristic object," as recited in claim 1.

Appellants further argue that "because *Gopalan* does not teach 'receiving . . . a score calculation methodology,' *Gopalan* also does not teach determining a score of each characteristic object <u>based on the score</u>

<u>calculation methodology received</u>" (Br. 18) and Gopalan does not "teach determining a score of the first entity object <u>based on the score calculation methodology received</u>" (Br. 19). However, Appellants' contentions are based on the flawed premise that Gopalan does not teach or suggest receiving a score calculation methodology. As discussed above, we do not agree with this premise. Therefore, Appellants' arguments are unpersuasive.

Accordingly, we sustain the Examiner's 35 U.S.C. § 103(a) of claim 1 as being unpatentable over Gopalan and Cooper. Appellants' arguments with respect to claims 2–24 are similar. Br. 19–20. Therefore, we also sustain the Examiner's 35 U.S.C. § 103(a) rejection, based on Gopalan and Cooper, of claims 2–24.

DECISION

We affirm the Examiner's decision rejecting claims 1–24.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED